

REMARKS

Reconsideration of the above-captioned patent application is respectfully requested in view of the foregoing amendments and the following remarks.

By the foregoing amendments, claim 1 has been amended to correct a typographical error. Thus, claims 1-7 currently are pending and are subject to examination in the above-captioned patent application. No new matter is added and the foregoing amendments, and these amendments are fully supported by the specification.

In the Office Action mailed April 13, 2005, the Examiner rejected claims 1, 2 and 7 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 6,452,082 to Suzuki *et al.* ("Suzuki"). The Examiner also rejected claims 3-5 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Suzuki in view of U.S. Patent No. 6,438,241 to Silfvast *et al.* ("Silfvast"). Moreover, the Examiner rejected claim 6 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Suzuki. To the extent that these rejections remain applicable in view of the foregoing amendments, Applicants respectfully traverse these rejections, as follows.

Applicants independent claim 1 recites an audio signal processing apparatus, comprising "operating means for setting parameters in order for said signal processing means to process the audio signals; storing means for storing a **series of past operation data containing past operation information of the operating means**, said past operation information being **associated with a series of movements of said operating means**; [and] designating means capable of **automatically effecting a desired treatment in accordance with the past operation data** stored in the storing

means.” Similarly, Applicants’ independent claim 7 describes an audio signal processing apparatus, comprising “a memory device which **stores a series of past operation data containing past operation information of the operating device**, the past operation information being **associated with a series of movements of the operating device**; and a controller which sets parameters in order for the signal processor to process the audio signals in accordance with the desired treatment when the designating device is operated.” Thus, in Applicants’ independent claims 1 and 7, the “series of past operation data” includes past operation information “associated with a series of movements of the operating means.”

For example, Applicants’ specification describes an embodiment of the present invention in which “when the memory button 16 is first pushed ON and then pushed OFF, an angular velocity and a rotating direction of the JOG dial 21 rotated during a time period from said ON to said OFF may be stored in a past operation recording memory within the storing section A4.” Appl’n, Page 21, Lines 8-13. Subsequently, “when the PLAY button 17 is pushed ON, the past data of the angular velocity and the rotating direction of the JOG dial 21 stored in the past operation recording memory are read-out successively, so as to calculate an accumulated rotating amount of the JOG dial 21 in accordance with a rotating direction thereof.” Id. at Page 22, Lines 3-9.

In contrast to Applicants’ claimed invention as set forth in independent claims 1 and 7, Suzuki describes a musical tone generator that includes an operating element panel 1 (which the Examiner asserts corresponds to Applicants’ claimed “operating means”), and a waveform data area 25 that stores a plurality of unprocessed waveform

data (which the Examiner asserts corresponds to Applicants' claimed "series of past operation data"). The musical tone generator described in Suzuki uses the unprocessed waveform data to generate glissando waveform data (which the Examiner asserts corresponds to Applicants' claimed "desired treatment"). Specifically, operating element panel 1 includes a plurality of buttons and switches used for manually selecting one of a plurality of possible performance methods A-D. Because Applicants' claimed "series of past operation data" includes past operation information "associated with **a series of movements of the operating means,**" and the plurality of unprocessed waveform data described in Suzuki cannot correspond to Applicants' claimed "series of past operation data." Moreover, the buttons and switches described in Suzuki do not satisfy the limitation of Applicants' claimed "series of past operation data" because the movement of the switches and buttons is not used to generate the glissando waveform data (which the Examiner asserts corresponds to Applicants' claimed "desired treatment"), and such movement is not stored in a storage means. Instead, the buttons and switches merely are used to manually select one of the performance methods.

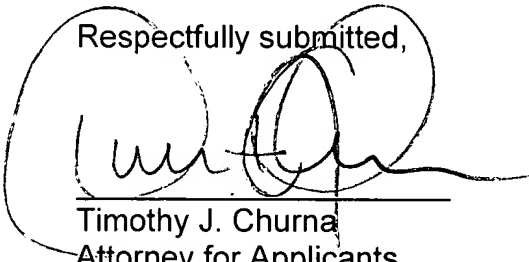
In the Office Action, the Examiner asserts that in Suzuki, "it is **inherent** that operation means and information is a function of movement of operating means, i.e., switches on operating panel." Office Action, Page 3, Lines 6 and 7. Applicants respectfully assert that the Examiner has not satisfied his burden of establishing that the features of the claimed invention that are missing from Suzuki "inherently" are disclosed by Suzuki. Specifically, according to the Manual of Patent Examining Procedures ("MPEP"), the Examiner must provide his rational or evidence tending to show the

alleged inherency. “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” MPEP 2112. “To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.” Id. “The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” Id. Thus, in order for Suzuki to inherently describe that the “series of past operation data” includes past operation information “associated with a series of movements of the operating means,” it must be necessary that the unprocessed waveform data described in Suzuki indicate a series of previous movements of the buttons and switches described in Suzuki. However, the unprocessed waveform data described in Suzuki is obtained by **sampling** a musical tone waveform actually generated when a player plays an instrument, e.g., a guitar, and is **not** related to any movement of the buttons and switches described in Suzuki. See, e.g., Suzuki, Column 8, Lines 27-47. Thus, the unprocessed waveform data described in Suzuki does not indicate a series of previous movements of the buttons and switches described in Suzuki. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of independent claims 1 and 7 at least for this reason.

Claims 2-6 depend from allowable independent claim 1. Therefore, Applicants respectfully request that the Examiner also withdraw the rejection of claims 2-6 at least for this reason.

CONCLUSION

Applicants respectfully submit that the above-captioned patent application is in condition for allowance, and such action is earnestly solicited. If the Examiner believes that an in-person or telephonic interview with Applicants' representatives would expedite the prosecution of the above-captioned patent application, the Examiner is invited to contact the undersigned attorney of records. Applicants believe that no fees are due as a result of this submission. Nevertheless, in the event of any variance between the fees determined by Applicants and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,


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